



**The Commonwealth of Massachusetts**  
**COMMISSION ON JUDICIAL CONDUCT**

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**PRESS RELEASE**

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**MASSACHUSETTS COMMISSION ON JUDICIAL CONDUCT REPORT OF  
ACTIVITIES FOR FIRST AND SECOND QUARTER OF 2013**

BOSTON, MA (July 25, 2013) – On July 25, 2013, the Commission on Judicial Conduct's Executive Director, Howard V. Neff, III, published this interim report of Commission activities, covering the Commission's activities for the first two quarters of calendar year 2013, from January 2, 2013 through June 28, 2013. During that period, 174 complaints were filed with the Commission, and out of those complaints, twenty-seven were docketed for investigation or preliminary inquiry, as they alleged conduct that, if true, would constitute judicial misconduct. During that same period, two additional complaints were initiated by the Commission pursuant to Commission Rule 6A.

During the first two quarters, the Commission held six meetings and considered sixty-three complaints that had been docketed in 2013 and in previous years.

Of those sixty-three complaints, fifty-eight were dismissed by the Commission after investigation or preliminary inquiry. In two of those dismissed complaints, the Commission noted that the subject judge had retired and was not subject to recall.

Two of the sixty-three complaints considered by the Commission in the first two quarters are still being considered. The Commission considered three complaints that were resolved through confidential Agreed Dispositions, which will remain open until all requirements agreed to by the Commission and the judges have been met.

Pursuant to the Commission's statute and rules, an Agreed Disposition may take the form of an Informal Adjustment in which the Commission informs or admonishes the judge that certain conduct is or may be cause for discipline, or an Agreed Disposition may take the form of a reprimand. This form of disposition requires agreement by the judge. In most cases, this type of disposition has a valuable, favorable effect on a judge's conduct. The terms of such a disposition usually include a period of monitoring by the Commission and conditions imposed on the judge that are designed to prevent a repetition of the misconduct. The conditions may include



counseling, education, assignment of a mentor judge, monitoring by the Commission for a specified period of time, voluntary retirement, or other appropriate conditions.

- Two of the three complaints resolved through an Agreed Disposition were against the same judge. Those two complaints related to two separate criminal matters before the judge.

The Commission found that, in one of the criminal matters, the judge had violated Canons 1A, 2A, 3B(2), and Canon 3B(4) by depriving the defendant of his right to counsel, and by discourtesy. In the second criminal matter, the Commission found that the judge violated Canons 1A, 2A, 3B(2), and Canon 3B(7) by failing to conduct a probation violation hearing in accord with procedures required by law.

The Commission admonished the judge and the judge agreed to be monitored by the Commission for one year from the effective date of the Agreed Disposition.

- In the third complaint resolved through Agreed Disposition, the Commission found that a judge had violated Canon 3B(8) by failing to issue a decision within a reasonable period of time.

The Commission reprimanded the judge and the judge agreed to be monitored by the Commission for up to two years from the effective date of the Agreed Disposition.

The Commission's statute and rules, and a copy of the 2012 Annual Report are available on the Commission's website: [www.mass.gov/cjc](http://www.mass.gov/cjc).

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